## **HOUSE BILL 1786**

## By Pody

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6, relative to workers' compensation.

## BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-216, as amended by Chapter 289 of the Public Acts of 2013, is amended by adding the following as a new, appropriately designated subsection:

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- (1) Upon receipt of a claim for workers' compensation totaling less than five thousand dollars (\$5000) from an unrepresented person, the division shall refer the person to the ombudsman.
- (2) The ombudsman will assist and advise the unrepresented person and shall not assist or advise the opposing party. Notwithstanding this subdivision (), an opposing party may utilize the services of an ombudsman not assigned to the unrepresented party as provided in subsection (a).
- (3) The ombudsman may not provide legal advice to the unrepresented person but has the authority to:
  - (A) Meet with and provide information to the unrepresented person about the person's rights and responsibilities under the law;
  - (B) Explain the administrative process for resolving workers' compensation claims;
    - (C) Investigate the claim;
    - (D) Assist the unrepresented person with completing forms; and
    - (E) Facilitate the production of medical records.

- (4) An ombudsman cannot testify in any workers' compensation proceeding and no statement or representation made to an ombudsman shall be considered by a workers' compensation judge.
- (5) An unrepresented person has a right to consult with an ombudsman and receive services under this subsection. If the person receiving the services of an ombudsman obtains legal counsel pertaining to the case or dispute for which the services of an ombudsman were engaged, the person, or the person's counsel, must immediately notify the division and the office of mediation services. Upon receipt of notice that the person has retained counsel, the ombudsman must terminate all services.

SECTION 2. Tennessee Code Annotated, Section 50-6-217(a)(1), as amended by Chapter 289 of the Public Acts of 2013, is amended by deleting the first sentence in its entirety and replacing it with the following language: "The governor shall initially appoint three (3) qualified individuals to serve as judges on the workers' compensation appeals board. When the first vacancy occurs on the board, the speaker of the senate shall appoint a qualified individual to serve on the board to fill the vacancy. When the second vacancy occurs, the speaker of the house of representatives shall appoint a qualified individual to the board to fill the vacancy. When the third vacancy occurs, the governor shall appoint a qualified individual to serve on the board. The power to appoint qualified individuals will thereafter rotate among the speaker of the senate, the speaker of the house, and the governor in that order. A vacancy occurs only in the event that a judge retires, resigns, or is removed from office by law or natural causes."

SECTION 3. Tennessee Code Annotated, Section 50-6-217(a)(2), is amended by deleting the first sentence and replacing it with the following language: "Upon appointment, each judge of the workers' compensation appeals board shall serve a term of six (6) years and may be reappointed to an additional term upon expiration of the initial term by the constitutional officer who made the initial appointment."

SECTION 4. For purposes of promulgating rules, this act shall take effect, upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2014, the public welfare requiring it.

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